

# CAFOs Proposed Regulation

## Public Meetings



March, 2001

# Introduction

- Proposed rule revises two interrelated regulations that affect CAFOs
  - Permitting
  - Performance standards



Remaining water quality problems in the U.S. are from: *nutrients*, *pathogens*, and *sediments*.



# Clean Water Act

- Law directs EPA and states to protect surface waters through the point source permitting program (NPDES)
- Permits incorporate technology-based and water-quality based effluent limits



# EPA and USDA Unified Strategy for AFOs

- USDA's voluntary program and EPA's regulatory program complement each other:
- Estimated 95% of AFOs will adopt voluntary CNMPs
- Estimated 5% will be regulated

# Challenge:

## Regulatory / Voluntary Balance

- Why have any regulation at all? What are the merits of voluntary programs?
- Where is the balance between who is, and who is not, regulated?
- Should controls be through CWA permits? (NPDES)

# Challenge: Update Regulations

- CAFO regulations over 25 years old
- Changes in industry structure and practices
- Update technology based requirements *at the production area*
  - Seek improved technologies at new facilities
  - Existing Facilities - retrofitting is more costly

# Challenge: Excess Manure

- 60% - 65% of manure exceeds crop needs at CAFOs and should be transferred off-site
- How to ensure manure at CAFO is land applied to minimize nutrient runoff?
- How to ensure that manure going off-site is properly handled?
- How to address counties with excess manure nutrients?

# Existing Regulatory Structure

- > 1,000 AU are CAFOs and subject to national performance standards
- 300 to 1,000 AU are CAFOs if operation meets certain conditions, no national standards apply
- *Except*, > 300AU not a CAFO if discharge only in event of a 25-year, 24-hour storm
- < 300 AU are CAFOs *only* if designated

# Proposed Rule

- Include:
  - Poultry operations
  - Stand-alone swine nurseries
  - Stand-alone heifer operations
- Eliminate 25-yr., 24-hr. permit exemption
- Definition of “CAFO” includes both the production area and the land application area
- Alternative options throughout
  - Simplicity, flexibility vs. accountability

# First Co-Proposal: Three-Tier Structure

- All operations with  $>1000\text{AU}$  are CAFOs
- Revised conditions for whether a middle tier (300 to 1,000 AU) operation is a CAFO
- Middle tier must either certify they do not meet the conditions or must apply for a permit
- $< 300$  AU are CAFOs only if designated

⊗ *Requesting comment on simplified conditions*

# Second Co-Proposal: Two-Tier Structure

- All operations with greater than 500 AU are defined as CAFOs
- Less than 500 AU is a CAFO only if designated by permit authority (case-by-case)
- Simplify designation criteria
  - ✿ *Requesting comment on a 750 AU option*

# Proposed Performance Standards for Production Areas

- Specific provisions vary with sector:
  - Swine, poultry, and veal
  - Beef and dairy
- And provisions may vary for:
  - Existing sources
  - New sources

# Beef and Dairy Performance Standards (Existing Sources)

- Retain 25-year, 24-hour (plus process waste water) design specification for production areas
- Zero discharge to ground water that has a direct hydrologic connection with surface water
  - Liners for liquid storage
  - Impermeable pads for solids



# Swine, Veal, and Poultry Performance Standards (Existing Sources)

- Zero discharge requirement—no overflow due to storms
  - Covered lagoons
  - Conversion to dry manure systems
  - Contained process waters such as eggwash water
  - Storage sheds and covered stockpiles



# Proposed New Source Performance Standards

- Beef and Dairy: same requirements as existing sources
- Swine, veal, and poultry: add requirement for zero discharge to ground water with a direct hydrologic connection to surface water
- Considering additional controls for pathogens

# Land Application at the CAFO

- All permits would address land application
- Require development and implementation of a “Permit Nutrient Plan”
  - Part of a CNMP
  - Developed or approved by a Certified Nutrient Management Planner
- Require a 100 ft. setback from surface water
  - Prohibits manure application, but does not prohibit raising crops

# Off-Site Transfer of Excess Manure

- Proposal A:
  - Transfer only to recipients who certify they will apply manure appropriately
  - Maintain records of transfers
  - Provide recipients with analysis of manure and brochure
- Proposal B
  - No certification requirement

# Co-Permitting

- Proposing that integrators must be “co-permitted” where the permit authority determines they exercise “Substantial Operational Control”
- Requesting comment on alternative to co-permitting, for example, waive requirement if:
  - State has an adequate and enforceable program for excess manure
  - Processor implements an “Environmental Management System” with contractors (3<sup>rd</sup> party audited for compliance)

# Implementation Time Line

- Newly-defined CAFOs— must apply for permit by 3 years after final rule
  - Allow time for State programs and PNP infrastructure and development
- Existing CAFOs subject to new standards:
  - Upon permit renewal for existing operations
  - Prior to commencement of operation for new operations

# Next Steps

- 120 day public comment period  
(ends May 14, 2001)
- Public meetings to explain rule
- Final rule by 12/15/2002

# Submit Comments to

## 1) Postal Mail:

CAFO Proposed Rule

USEPA, Office of Water, EAD

Mail Code 4303

1200 Pennsylvania Ave, NW

Washington, DC 20460

## 2) E-mail: [CAFOS.Comments@epa.gov](mailto:CAFOS.Comments@epa.gov)

## 3) Hand Delivery:

Office of Science & Technology, Room 611

401 M. St. SW, Washington, DC 20460

# For More Information

- CAFO Hotline: (202) 564-0766
- Performance Standards: Jan Goodwin  
(202) 260-7152 goodwin.janet@epa.gov
- Permitting: Karen Metchis  
(202) 564-0734 metchis.karen@epa.gov
- Water Resource Center (202) 260-7786
- Web: <http://www.epa.gov/owm/afo>  
<http://www.epa.gov/ost/guide/cafo/index>